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and KOHL'S CORPORATION

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

WENDY CHOWNING and LOURDES CASAS, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

KOHL'S DEPARTMENT STORES, INC., a Delaware Corporation; KOHL'S CORPORATION; and DOES 1 through 20, inclusive,

Defendants.

CASE NO. 2:15-cv-8673-RGK-SP

DISCOVERY MATTER

DEFENDANTS KOHL'S DEPARTMENT STORES, INC.'S AND KOHL'S CORPORATION'S SUPPLEMENTAL MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS

Date: January 26, 2016
Time: 9:30 a.m.
Courtroom: 3 or 4 – 3rd Floor
Magistrate Judge: Sheri Pym
Discovery Cut-Off: None Set
Trial Date: None Set
Pre-Trial Conference Date: None Set

Pursuant to Local Rule 37-2.3, and the Court's January 11, 2016 Order regarding Plaintiffs' Ex Parte Application to Shorten Time (Dkt. No. 39), defendants Kohl's Department Stores, Inc. and Kohl's Corporation (together "Kohl's") hereby respectfully submit this supplemental memorandum in opposition to plaintiff Wendy Chowning's ("plaintiff") motion to compel:

The Joint Stipulation regarding plaintiff's Motion to Compel Production of Documents ("Joint Stipulation") (Dkt. No. 42) raises only two issues that the parties were unable to resolve while meeting and conferring on plaintiff's first set of document requests ("RFPs") and drafting the Joint Stipulation. First, plaintiff insists that she is entitled to all consumer studies, whether they pertain to California consumers or not, while Kohl's position remains that, because this litigation concerns California consumers, studies regarding consumers outside of California are not relevant. Joint Stipulation at 10-13. Second, plaintiff takes issue with Kohl's commitment to complete its production by February 2, 2016. *Id.* at 5-8.

As Kohl's stated during the meet and confer process, and in the Joint Stipulation, Kohl's is working in good faith to complete its production as soon as reasonably possible. Dec. of Jacob K. Poorman ("Poorman Dec."), ¶ 2; Joint Stipulation at 7. Since the filing of the Joint Stipulation, Kohl's has continued to work diligently to produce documents in response to the RFPs. Poorman Dec. at ¶ 3. In addition to the January 6, 2016 production that Kohl's described in the Joint Stipulation (Joint Stipulation at 5), Kohl's has made further productions on January 14, 15, 19 and 20. Poorman Dec. at ¶ 4. To date, Kohl's has produced well over a thousand pages of documents responsive to the RFPs, and has only a limited number of items left to produce. *Id.* A significant portion of what remains to be produced relates to the product that plaintiff describes in her Amended Complaint as "Croft & Barrow Ladies Outerwear." Amended Complaint at ¶ 32 (Dkt. No. 44); Poorman Dec. at ¶ 5. Kohl's is diligently searching for information regarding this product. Poorman Dec.

at ¶ 6. However, because plaintiff allegedly purchased the product over four years ago (Amended Complaint at ¶ 32), Kohl's is unlikely to have responsive information. Poorman Dec. at ¶ 6. Kohl's is still assiduously collecting, reviewing, and processing the remaining documents it has agreed to produce and anticipates being able to complete its production soon, but in any event no later than February 2, 2016. *Id.* at ¶ 7.

For the foregoing reasons, and those articulated in the Joint Stipulation, Kohl's respectfully requests that the Court deny plaintiff's Motion to Compel Production of Documents.

Dated: January 20, 2016.

ARNOLD & PORTER LLP

By: /s James F. Speyer
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Attorneys for Defendant KOHL'S DEPARTMENT STORES, INC. and KOHL'S CORPORATION